

(Adopted: 2/5/88; Amended: 10/21/97)

RULE 511.1

Subpoenas

- (a) Subpoenas shall be issued by the Chairman of the Hearing Board upon written application of the party requesting its issuance.
- (b) Applications for subpoenas shall, at a minimum, include:
 - (1) a declaration under penalty of perjury as to why such witness or documents are necessary to the proceeding; and
 - (2) a form of subpoena or subpoena duces tecum to be issued.
- (c) Applications for subpoenas shall be submitted to the Clerk of the Hearing Board. The party requesting issuance of the subpoena shall give telephone notice that such application is being made to the opposing party prior to submission of the application.
- (d) If a party objects to the issuance of a subpoena or subpoena duces tecum, the opposing party shall notify the Clerk of the Hearing Board of its opposition and may request that a hearing be scheduled on the matter. The Clerk of the Hearing Board shall notify both parties by telephone of the date, time and location of the hearing.

[SIP: Not SIP]

(Adopted: 8/1/79; Amended: 10/21/97)

RULE 512

Preliminary Matters

Preliminary matters such as setting a date for hearing, granting continuances, approving petitions for filing, allowing amendments and other preliminary rulings not determinative of the merits of the case may be made by the Chairman or any three members of the Hearing Board without a hearing or meeting of the Hearing Board and without notice.

[SIP: Deletion Challenged, U.S. 9th Cir. Case # 97-71117; Deleted 6/27/97 62 FR 34641, 40 CFR 52.220(c)(39)(iii)(F) and 40 CFR 52.220(c)(30)(x)(B); Approved 9/8/78, 43 FR 40011, 40 CFR 52.220(c)(39)(iii)(C); Approved 6/14/78, 43 FR 25684, 40 CFR 52.220(c)(30)(x)(A)]